

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

**JENNIFER AYARS,**

Plaintiff,

v.

**AUTOZONERS, LLC,\***

Defendant.

Case No. 3:21-cv-01537-YY

**OPINION AND ORDER ADOPTING  
JUDGE YOU’S FINDINGS AND  
RECOMMENDATION**

Daniel Snyder and Paul Bastian, Law Offices of Daniel Snyder, 1000 SW Broadway, Suite 2400, Portland, OR 97205. Attorneys for Plaintiff.

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**IMMERGUT, District Judge.**

This Court has reviewed de novo the portions of Judge You’s Findings and Recommendation (“F&R”), ECF 44, to which Plaintiff objected. For the following reasons, this Court ADOPTS Judge You’s F&R.

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\* Plaintiff incorrectly refers to Defendant as AutoZone Parts, Inc. Answer, ECF 14 at 2.

### LEGAL STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R that are not objected to. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

### CONCLUSION

This Court has reviewed de novo the portions of Judge You’s F&R to which Plaintiff objected. Judge You’s F&R, ECF 44, is adopted in full. This Court DENIES Defendant’s Motion to Strike, ECF 35. This Court also DENIES Defendant’s Motion for Summary Judgment, ECF 24, as to Plaintiff’s Failure to Accommodate Claim under the Americans with Disabilities Act (Claims 3 and 4) and the Oregon Rehabilitation Act (Claim 7), but GRANTS the Motion for the remainder of Plaintiff’s claims.

**IT IS SO ORDERED.**

DATED this 20th day of February, 2024.

/s/ Karin J. Immergut  
Karin J. Immergut  
United States District Judge